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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,488	02/11/2002	Thilo-Florian Harzenetter	1454.1122	5613
21171	7590	12/14/2004	EXAMINER	
STAAS & HALSEY LLP			DAS, CHAMELI	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			PAPER NUMBER	
WASHINGTON, DC 20005			2122	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/980,488

Applicant(s)

HARZENETTER ET AL.

Examiner

CHAMELI C DAS

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/5/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED DESCRIPTION**

1. As per Preliminary Amendment filed on 12/3/01, claims 1-12 have been canceled.
2. Claims 13-25 have been added.
3. Claims 13-25 are pending.

#### ***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 6/1/99. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

#### ***Claim Objections***

5. Claims 14-22 objected to because of the following informalities:  
Claims 14-22 depend on claim 1. Claim 1 has been canceled. Claims 14-22 should depend on the independent claim 13. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 15, the limitation, "genetic algorithm" is unclear. The Examiner interpreted the limitation as "generic algorithm" according to the specification, page 2.

As per claim 15, the limitation "the grouping of the functionalities uses at least one of neural networks and genetic algorithm" is unclear. According to the specification

on page 2, the Examiner interpreted this limitation as "grouping of the functionalities uses at least one of *neural networks or generic algorithm*".

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Masuda et al, (Masuda), US 5,165,010.

***As per claim 13, Masuda (US 5,165,010) discloses:***

- prescribing a problem structure for the technical system, the problem structure including functionalities (col 2, lines 5-55, col 14, lines 50-60)
- rating the problem structure based on prescribed criteria (col 14, lines 60-67, col 15, lines 1-20)
- groupings the functionalities using said rating (col 16 lines 61-68 col 17, lines 1-27, col 20, lines 27-35 and col 3 lines 49-64)
- designing the technical system based on said grouping (col 3 lines 49-64, col 4 lines 2-15).

***As per claim 14, Masuda (US 5,165,010) discloses:***

- grouping of the functionalities is performed iteratively (col 21 lines 15-20, col 31, lines 26-30).

***As per claim 15, Masuda (US 5,165,010) discloses:***

- grouping of the functionalities uses at least one of neural networks (col 2, lines 3-10).

***As per claim 16, Masuda (US 5,165,010) discloses:***

- grouping uses a simulated annealing method (col 42 lines 8-20).

***As per claim 17, Masuda (US 5,165,010) discloses:***

- new design ( col 31, lines 26-30), adjustment (col lines), layout (col 13 lines 4-5), rating (col 3, lines 55-65), assessment (col 3, lines 55-65), simulation (col 42 lines 8-20), and validation by inspection (col 8, line 30).

***As per claim 18, Masuda (US 5,165,010) discloses:***

- design is used to ascertain a functional network for the technical system  
(abstract)

***As per claim 19, Masuda (US 5,165,010) discloses:***

- prescribed criteria are quality criteria (col 3 lines 50-65).

***As per claim 20, Masuda (US 5,165,010) discloses:***

- criteria comprise at least one usability (col 4, lines 52-55), modifiability ( col 33, lines 60-62), maintainability (col 14, lines 40-42), checkability (col 35, lines 8-10), portability (col 2, lines 20-24, col 4, lines 5-10), integrity (col 2, lines 20-25), development complexity (col 2, lines 41-43), performance (col 4 lines 10-16), reusability (col 9, lines 28-30) and reliability (col 4, lines 10-16).

***As per claim 21, Masuda (US 5,165,010) discloses:***

- criteria are weighted (col 31, lines 28-32).

***As per claim 22, Masuda (US 5,165,010) discloses:***

- functionalities affect operations scenarios... one benefit (col 2, lines 5-35).

***As per claim 23, Masuda (US 5,165,010) discloses:***

- an input unit to receive ... functionalities (col 6 lines 30-32, col 11, lines 30-35)
- a processor unit... input unit (col 3-5, col 6 lines 30-32)
- to obtain rating of the problem structure ... grouping of the functionalities (col 2, lines 5-55, col 14, lines 50-60, col 14, lines 60-67, col 15, lines 1-20, col 16 lines 61-68 col 17, lines 1-27, col 20, lines 27-35 and col 3 lines 49-64, col 3 lines 49-64, col 4 lines 2-15).

***Claim 24 is the computer readable medium*** claim corresponding to the method claim 13 and rejected under the same reason set forth in connection of the rejection of claim 13 above.

***For claim 25,*** Masuda discloses problem structure of the functional network (col 1, lines 5-10), for the rest of the limitations, see the rejection of claim 13 above.

***Conclusion***

8. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: System and methods for controlling virtual paths within a network based on entropy rate function, US 6304639 B1

Art Unit: 2122

TITLE: Method and apparatus for applying if-then-else rules to data sets in a relational data base and generating from the results of application of said rules a database of diagnostics linked to said data sets to aid executive analysis of financial data, US 5701400 A

TITLE: Diagnostic system using pattern recognition for electronic automotive control systems, US 5041976 A

TITLE: Performance management and control system for a distributed communications network, US 6370572 B1

TITLE: System and method for facilitating software development, US 5671415 A

TITLE: Object-oriented I/O device interface framework mechanism, US 6449660 B1

TITLE: Mechanism for achieving transparent network computing, US 6446253 B1

TITLE: Method and apparatus for analyzing test results obtained by applying a binary table and a suite of test scripts to a test subsystem control facility for a distributed systems network, 5724273

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli C. Das whose telephone number is (571) 272-3696. The examiner can normally be reached on 7-3:30 and examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**

*12/8/04*